

REMARKS

Claims 1-38 are presently pending in the application. Claims 1, 4, 5, 7-9 and 11 have been amended, and new claim 38 has been added in this response. More specifically, claims 4, 5 and 7-9 have been rewritten in independent form without narrowing the scope of these claims. Claim 11 has been amended to clarify aspects of the claim without narrowing the scope of the claim.

In the Office Action mailed June 15, 2004, claims 1-3, 6, 11, 12, 15, 19-21, 23, 25 and 26 were rejected, and claims 4, 5, 7-10, 13, 14, 16-18, 22 and 24 were objected to. More specifically, the status of the application in light of this Office Action is as follows:

- (A) The title of the application was objected to;
- (B) Claim 11 was objected to because of an informality;
- (C) Claims 1-3, 11 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0089025 to Chou ("Chou");
- (D) Claims 6, 15 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chou in view of U.S. Patent No. 5,708,293 to Ochi et al. ("Ochi");
- (E) Claims 19 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chou in view of U.S. Patent No. 6,104,086 to Ichikawa et al. ("Ichikawa"), Japan Patent No. 07-263607 to Murakawa et al. ("Murakawa"), and U.S. Patent No. 6,372,548 to Bessho et al. ("Bessho");
- (F) Claims 20 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chou in view of U.S. Patent Application Publication No. 2003/0062601 to Harnden et al. ("Harnden"), and U.S. Patent No. 5,130,783 to McLellan ("McLellan");
- (G) Claims 27-37 were allowed; and

(H) Claims 4, 5, 7-10, 13, 14, 16-18, 22 and 24 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form to include the features of the claims from which they depend.

The undersigned attorney wishes to thank the Examiner for engaging in a telephone conference on September 9, 2004. The subject matter discussed in the telephone conference includes the present Office Action, Chou, claims 1, 11 and 21, and a proposed amendment to claim 1. The Examiner agreed that the proposed amendment patentably distinguishes claim 1 over Chou. Claim 1 has been amended accordingly. The Examiner further agreed that claims 11 and 21 are patentable over Chou. The following remarks summarize and expand upon the points discussed during the September 9 telephone conference.

A. Response to the Title Objection

The title of the application was objected to for failing to be descriptive. The title of the application has been amended in this response. In accordance with the agreement reached during the September 9 telephone conference, the objection to the title will be withdrawn.

B. Response to the Objection of Claim 11

Claim 11 was objected to because of an informality. Claim 11 has been amended in this response to clarify that the casing covers "at least a portion of the individual leads." This amendment clarifies the claim without narrowing the scope of the claim. Accordingly, the objection to claim 11 should be withdrawn.

C. Response to the Section 102(b) Rejection

Claims 1-3, 11 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Chou. Claim 1 has been amended in accordance with the agreement reached during the September 9 telephone conference. Accordingly, the Section 102(b) rejection of claim 1 should be withdrawn.

Claims 2 and 3 depend from claim 1. Accordingly, the Section 102(b) rejection of claims 2 and 3 should be withdrawn for the reasons described above with reference to claim 1 and for the additional features of these claims.

In accordance with the agreement reached during the September 9 telephone conference, the Section 102(b) rejection of claim 11 should be withdrawn because if the encapsulation 5 of the device illustrated in Figure 4 of Chou corresponds to the casing of claim 11, Chou does not disclose "a radiation transmissive member," as recited in claim 11.

Claim 12 depends from claim 11. Accordingly, the Section 102(b) rejection of claim 12 should be withdrawn for the reasons discussed above with reference to claim 11 and for the additional features of this claim.

In accordance with the agreement reached during the September 9 telephone conference, the Section 102(b) rejection of claim 21 should be withdrawn because if the encapsulation 5 of the device illustrated in Figure 4 of Chou corresponds to the casing of claim 21, Chou fails to disclose "a window," as recited in claim 21.

D. Response to the Section 103(a) Rejection of Claims 6, 15 and 23

Claims 6, 15 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chou in view of Ochi. Claims 6, 15 and 23 depend from claims 1, 11 and 21, respectively, and Ochi fails to cure the above-noted deficiencies of Chou to support a Section 103(a) rejection of these claims. Accordingly, the Section 103(a) rejection of claims 6, 15 and 23 should be withdrawn for reasons described above with reference to their respective independent claims and for the additional features of these dependent claims.

E. Response to the Section 103(a) Rejection of Claims 19 and 25

Claims 19 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chou in view of Ichikawa, Murakawa, and Bessho. Claims 19 and 25 depend from claims 11 and 21, respectively, and Ichikawa, Murakawa, and Bessho fail to cure the above-noted deficiencies of Chou to support a Section 103(a) rejection of these claims.

Accordingly, the Section 103(a) rejection of claims 19 and 25 should be withdrawn for the reasons discussed above with reference to their respective independent claims and for the additional features of these dependent claims.

F. Response to the Section 103(a) Rejection of Claims 20 and 26

Claims 20 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chou in view of Harnden and McLellan. Claims 20 and 26 depend from claims 11 and 21, respectively, and Harnden and McLellan fail to cure the above-noted deficiencies of Chou to support a Section 103(a) rejection of these claims. Accordingly, the Section 103(a) rejection of claims 20 and 26 should be withdrawn for the reasons discussed above with reference to their respective independent claims and for the additional features of these dependent claims.

G. Allowed Claims

Claims 27-37 were allowed.

H. Response to the Indication of Allowable Subject Matter

Claims 4, 5, 7-10, 13, 14, 16-18, 22 and 24 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form to include the features of the claims from which they depend. Claims 4, 5 and 7-9 have been amended accordingly, and therefore the objection to these claims should be withdrawn. Claims 10, 13, 14, 16-18, 22 and 24 have not been rewritten in independent form because the rejection of their respective independent claims should be withdrawn.

Although the undersigned attorney agrees with the Examiner's conclusion that these claims are allowable, the undersigned attorney notes that the claims may be allowable for reasons other than those identified by the Examiner and does not concede that the Examiner's characterization of the terms of the claims and the prior art are correct.

I. New Claim 38

New claim 38 depends from claim 11. New claim 38 is accordingly patentable over the cited references for the reasons described above with reference to claim 11 and for the additional features of this claim.

J. Conclusion

In view of the foregoing, the claims pending in the application comply with 35 U.S.C. § 112 and are patentable over the applied art. Reconsideration of the application and a Notice of Allowance is respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-6465.

Respectfully submitted,
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